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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE G.C.BHARUKA

WRIT PETITION No.18018 OF 1997

BETWEEN:

Sri Basappa Channappa Benkanawari,  
aged about 56 years, working as  
First Division Clerk, Office of  
Sri Annadaneshwara College of  
Arts, Science & Commerce, Naregal,  
Ron Taluk, Dharwad District and  
residing at Jakkali Village and Post,  
Ron Taluk, Dharwad District. ..PETITIONER

(By Sri K.Subba Rao, Adv.)

AND:

1. The State of Karnataka, represented  
by the Secretary to Government (I),  
Department of Higher Education,  
Multistoreyed Building, Vidhana Veedhi,  
Bangalore-1.
2. The commissioner of Collegiate Education  
in Karnataka, Seshadri Road,  
Bangalore-1.
3. The Director of Collegiate Education,  
Seshadri Road, Bangalore-1.
4. The Regional Joint Director of  
Collegiate Education, Bhavsar Building,  
Belgaum Road, Dharwad.
5. Sri Annadana Vijaya Vidya Prasarak  
Samithi (Reg.,) Naregal, 582 119,  
Dharwad District, represented by the  
President.
6. The Principal,  
Sri Annadaneshwara Arts, Science, and  
Commerce College, Naregal, Ron Taluk,  
Dharwad District.

7. Sri S.G.Malagowdar,  
aged about 50 years,  
now working as Accounts Superintendent,  
Sri Annadaneshwara Arts, Science and  
Commerce College, Naregal, Ron Taluk,  
Dharwad District.

8. Sri Shivabasappa Hanumappa  
Hosalli, aged about  
54 years, now working as  
First Division Clerk, Sri  
Annadaneshwara Arts, Science,  
and Commerce College, Naregal,  
Ron Taluk, Dharwad District.

..RESPONDENTS

(By Sri G.Papi Reddy, AGA for  
R-1 to R-4;

By Sri Vasantha Kumar, Adv. for  
R-5 to R-7; R-8 served)

Writ Petition is filed under Articles 226 of  
the Constitution of India praying to direct R-5 and  
R-6 to promote the petitioner as Superintendent  
with effect from the date on which R-7 was promoted and  
grant him all the consequential benefits and to  
direct the respondents to pay the petitioner 15  
months wages as directed by the Commissioner of  
Collegiate Education and also in accordance with  
law and for grant of such other reliefs.

This petition coming on for orders this day,  
the Court made the following:

ORDER

.....3.

ORDER

The present writ petition has been filed seeking a direction to respondents 5 and 6 i.e., the educational institution and its principal to promote the petitioner as Superintendent with effect from the date on which respondent No.7 was promoted and grant him all the consequential benefits. The other prayer is ~~also~~ regarding payment of wages etc.,

2. For seeking such reliefs, there is an effective remedy available to the petitioner under Chapter 18 of the Karnataka Education Act, 1983. Keeping in view the said provision, a Division Bench of this Court in W.A.Nos.1833 to 1836/95 and other connected appeals, disposed of on 30.5.1998 has held that the teaching and non-teaching staff of private educational institutions cannot maintain the writ petition.

3. In the said view of the matter, the writ petition is dismissed with liberty to the petitioner to avail the remedy open to him under the Act. If any such appeal, revision or application for direction is filed before the authorities under the said Act within <sup>six weeks</sup> ~~one month~~, then the same should be disposed of after hearing the <sup>concerned parties</sup> ~~management~~ within three months of the filing of the same.



Sd/-  
JUDGE